

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN) CAUSE NO. 02C01-0709-PL-106

STATE OF INDIANA,)
)
 Plaintiff,)
)
 v.)
)
SELECT AUTOMOTIVE, INC.,)
)
 Defendant.)

FILED BY
CERTIFIED OR REGISTERED MAIL
T.R.5 (F)
OCT 19 2007

MOTION FOR DEFAULT JUDGMENT

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Mary Ann WehmueLLer, pursuant to Trial Rule 55 of the Indiana Rules of Trial Procedure, respectfully moves the Court to enter a default judgment against the Defendant, Select Automotive, Inc. (hereinafter, "Select") and in support states:

1. On September 11, 2007 the Plaintiff filed its Complaint for Injunction, Consumer Restitution, Civil Penalties, and Costs.
2. The Defendant was served with a copy of the complaint and summons on September 19, 2007.
3. More than twenty (20) days have elapsed since the Defendant was served.
4. To date, Defendant Select has failed to file an answer, plead, or request an extension of time in which to answer the State's complaint.
5. The Plaintiff has expended 4.1 hours in the investigation and prosecution of this case, as shown by the affidavit of Mary Ann WehmueLLer hereto attached as Exhibit "A".

WHEREFORE, the Plaintiff, State of Indiana, requests the Court enter judgment against Defendant, Select Automotive, Inc., as follows:

a. A permanent injunction pursuant to Ind. Code §24-5-0.5-4(c)(1), enjoining Select, its agents, representatives, employees, successors, and assigns, from:

- (1) selling motor vehicles without delivering vehicle titles as required by Ind. Code §9-17-3-3;
- (2) misrepresenting warranty of title in violation of Ind. Code §24-5-0.5-3(a)(8); and,
- (2) misrepresenting its ability to complete the subject of a consumer transaction within a stated or reasonable period of time in violation of Ind. Code §24-5-0.5-3(a)(10).

b. Restitution pursuant to Ind. Code §24-5-0.5-4(c)(2), wherein the Court directs the Indiana Bureau of Motor Vehicles to issue titles to the consumers identified in paragraph 2 of the State's complaint;

c. Costs pursuant to Ind. Code §24-5-0.5-4(c)(3), awarding the Office of the Attorney General its reasonable expenses incurred in the investigation and prosecution of this action;

d. Civil penalties pursuant to Ind. Code §24-5-0.5-4(g), for the Defendant's knowing violations of the Deceptive Consumer Sales Act, in the amount of \$5,000.00 per violation, payable to the State of Indiana;

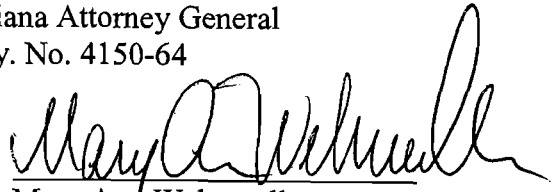
e. Civil penalties pursuant to Ind. Code §24-5-0.5-8, for the Defendant's intentional violations of the Deceptive Consumer Sales Act, in the amount of \$500.00 per violation, payable to the State of Indiana; and

f. All other proper relief.

Respectfully submitted,

STEVE CARTER
Indiana Attorney General
Atty. No. 4150-64

By:


Mary Ann Wehmüller
Deputy Attorney General
Atty. No. 15251-49A
doc: 428948

STATE OF INDIANA)
) SS: IN ALLEN COUNTY CIRCUIT COURT
COUNTY OF ALLEN) CAUSE NO. 02C01-0709-PL-106

STATE OF INDIANA,)
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SELECT AUTOMOTIVE, INC.,)
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AFFIDAVIT SUPPORTING REQUEST FOR ATTORNEY FEES AND COSTS

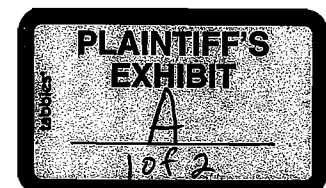
Mary Ann Wehmuller does hereby affirm that:

1. Affiant is counsel for the Plaintiff, State of Indiana, in the above cause of action.
2. Affiant has kept detailed records of the work she has done for the Plaintiff with respect to this cause and the time spent on each task.
3. Reviewing the records that affiant prepared, affiant has compiled the following summary of her work relating to this cause of action:

<u>DATE</u>	<u>DESCRIPTION OF ACTIVITY</u>	<u>HOURS</u>
08/13/2007	Reviewed consumer files	0.8
08/14/2007	Drafted complaint	1.2
09/11/2007	Finalized complaint and prepared to file	0.5
10/10/2007	Telephone to Court to check service	0.2
10/10/2007	Drafted Motion for Default & supporting documents	0.8
10/15/2007	Completed Motion for Default	0.6

Total 4.1 hours

4. The Plaintiff is entitled to an award of costs incurred in the investigation and prosecution of this action pursuant to Indiana Code §24-5-0.5-4(g).

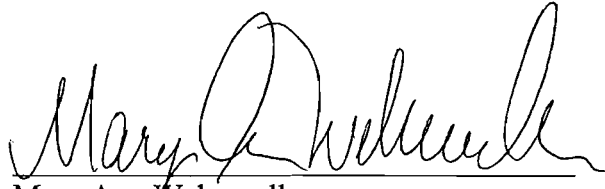


5. Affiant has been engaged in the practice of law for over 15 years, and a reasonable attorney fee for the work affiant has performed during the investigation and prosecution of this action is \$150.00 per hour.

6. All of the above statements are within affiant's personal knowledge.

FURTHER AFFIANT SAYETH NOT.

I affirm, under the penalties for perjury, that the foregoing representations are true.



Mary Ann Wehmüller
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